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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,327

07/14/2003

Robert Victor Holland

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27975 7590 08/08/2007
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EXAMINER

SMITH, MARCUS

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/619,327	Applicant(s) HOLLAND ET AL.	
	Examiner Marcus R. Smith	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 1, states the said reply message by said first node in lines 19-20, however is unclear and indistinctive. The examiner views as the reply message came from said first node instead of the reply message being from second node. If the reply message comes from the first node, then who receives the reply message? The communication device, or the other nodes? Independent claims 5 and 9 have the same problem as claim 1. Thus all the dependent claims are rejected under 35 U.S.C. 112.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Oren et al. (US 6,725,045).

With regard to claim 1, Oren et al. teaches (figure 2):

For use with a multinode cooperative telecommunication network, wherein a respective node is operative to service multiple telecommunication devices coupled to said respective node, each communication device having an extension that is used in the course of routing a call from a calling communication device to a called communication device, a method of routing a call from a calling communication device at a first node to a called device at another node comprising the steps of:

(a) transmitting a query message from said first node (central node, 102) to all other nodes (gateways, 106) of said network, said query message being operative to determine whether a respective node receiving said query message is coupled to said called device (personal unit, 108) (step 202) (column 3, lines 25-35);

(b) at a second node (one of the gateways) to which said called device is coupled, transmitting a reply message (positive response) to said first node indicating that said second node is coupled to said called device (108A) (step 208) (column 3, lines 49-55); and

(c) in response to receipt of said reply message by said first node (step 210), routing said call from said first node to said second node, so that said second node may complete the connection of said call to said called device (step 212) (column 3, lines 55-64).

With regard to claim 5, Oren et al. teaches (figure 2):

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A method of operating a multinode cooperative telecommunication network comprising a plurality of nodes coupled to one another by way of an internode communication path, each node being operative to service multiple telecommunication devices coupled thereto, each communication device having an extension that is used in the course of routing a call from a calling communication device to a called communication device, said method comprising the steps of:

(a) in response to the placement of a call from a communication device (exchange, 104) coupled to a first node (central unit, 102) (step 201), causing said first node to examine an associated call plan therefor to determine whether said first node is coupled to said called device (column 3, lines 20-27: the examiner views the examine an associated call plan as part of the central unit's processor steps. See column 4, lines 32-40);

(b) in response to said first node determining that said first node is not coupled to said called device (column 3, lines 64-67, called party is out of coverage for the central unit.), transmitting a query message ("where are you" signal) from said first node to all other nodes (gateways, 106) of said network, said query message being operative to inquire whether a respective node receiving said query message is coupled to said called device (step 202) (column 3, lines 27-35);

(c) at a second node to which said called device is coupled, transmitting a reply message (positive response) to said first node indicating that said second node is coupled to said called device (step 208)(column 3, lines 49-55); and

(d) in response to receipt of said reply message by said first node (step 210), routing said call from said first node to said second node, so that said second node may complete the connection of said call to said called device (step 212) (column 3, lines 55-63).

With regard to claim 2, Oren et al. teaches (figure 2):

The method according to claim 1, wherein step (a) includes the precursor step of causing said first node to examine an associated call plan therefor to determine whether said first node is coupled to said called device (column 3, lines 20-27: the examiner views the examine an associated call plan as part of the central unit's processor steps. See column 4, lines 32-40).

With regard to claims 3 and 6, Oren et al. teaches (figure 2):

The method according to claim 1, wherein step (b) comprises at one or more third nodes to which said called device is not coupled, ignoring said query message, so that no reply message is transmitted therefrom (column 3, lines 34-41).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oren et al. (US 6,725,045) in view of Moriyama (US 6,741,696).

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Oren et al. discloses all of the subject matter as described above except for wherein each node comprises a private branch exchange. However, the examiner views the central unit as the CPU of Private branch exchange.

Moriyama teaches PBX that can communicate with other PBXs to exchange information (column 5, lines 50-67 to column 6, lines 1-10, see figure 4) for controlling communication lines in order to a more efficient call distributing system (column 2, lines 20-26).

Oren is another form of call distributing system, the gateways and exchange with central unit exchange information about the location of personal units in the system. Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made have each node be a private branch exchange as taught by Moriyama in the call distributing system of Oren et al. in order to have a more efficient call distributing system.

Conclusion

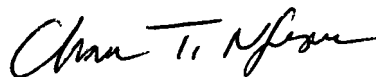
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus R. Smith whose telephone number is 571 270 1096. The examiner can normally be reached on Mon-Fri. 7:30 am - 5:00 pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 7/31/07



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